

1 HOUSE BILL NO. 961
2 INTRODUCED BY K. WALSH, C. POPE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE MONTANA ENERGY AND
5 INFRASTRUCTURE FUND; CREATING THE MONTANA ENERGY AND INFRASTRUCTURE FUND
6 ADVISORY COMMISSION; PROVIDING AN APPROPRIATION; PROVIDING RULEMAKING AUTHORITY;
7 AND PROVIDING AN EFFECTIVE DATE."

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9 WHEREAS, the Treasure State is proud of its economic legacy driven by the innovation, determination,
10 and hard work of its citizens; and

11 WHEREAS, the state government values and actively pursues its important role to act in the best
12 interests of its citizens in assisting the private sector and other stakeholders in identifying, planning, and
13 pursuing economic opportunities capable of improving the quality of life for Montana's citizens; and

14 WHEREAS, history demonstrates that economic success is enhanced by the known quality and
15 quantity of financial resources available to future development projects, and by the readily available financial
16 management tools to deliver those resources; and

17 WHEREAS, Montana anticipates an expanding list of significant future investment opportunities,
18 principal among them being in the economic sectors of energy and infrastructure development and renovation;
19 and

20 WHEREAS, a Montana energy and infrastructure fund would receive and distribute available public
21 funding to the benefit of energy and infrastructure projects developed in the public interest, provide for a liaison
22 with the private sector, including the state's banking community, in optimizing appropriate financing for
23 qualifying development projects, and focus and coordinate state resources, as needed, in the pursuit of those
24 projects.

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26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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28 NEW SECTION. **Section 1. Montana energy and infrastructure fund.** (1) The department of

1 commerce shall establish the Montana energy and infrastructure fund and shall administer and act as the fiscal
2 agent for the program and is responsible for receiving and reviewing responsive proposals, reviewing potential
3 grant awards, and administering state funding projects.

4 (2) The fund shall consider the following:

5 (a) promoting investments in qualifying energy and infrastructure projects;

6 (b) receiving federal, philanthropic, and other sources of funding for projects meeting the fund’s
7 mission, including federal Inflation Reduction Act funds available to states via the greenhouse gas reduction
8 fund;

9 (c) creating jobs and long-term economic development in the state construction and energy
10 sectors;

11 (d) increasing the number of qualified energy and infrastructure projects at the state and local
12 level;

13 (e) promoting efficient and low-cost development of state energy projects that reduce consumer
14 energy bills;

15 (f) promoting projects that benefit low- to medium-income communities, rural communities, and
16 historically underserved communities.

17 (g) providing investment opportunity in legacy energy communities faced with the energy
18 transition;

19 (h) creating economic development and grid resiliency and security and achieving net energy
20 export status in Montana; and

21 (i) facilitating, among other projects, investment in beneficial energy production, storage, and
22 conservation technologies, water and sewer infrastructure, agricultural infrastructure, carbon storage and
23 sequestration, and energy project remediation.

24 (3) The department of commerce shall adopt and publish annual work plans formulated through a
25 public hearing process and provide an annual report to the legislature in accordance with 5-11-210.

26 (4) The department of commerce shall develop programs that benefit single and multiple-
27 residential property and commercial, industrial, educational, and governmental property, and other projects that
28 advance the fund’s mission.

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NEW SECTION. Section 2. Montana energy and infrastructure fund -- rulemaking authority. (1)

The department of commerce may conduct business practices necessary to the implementation of [sections 1 through 4].

(2) The department may adopt rules for the implementation of [sections 1 through 4], including but not limited to:

(a) processes for entering into agreements with private and government entities, including but not limited to state bonding, revolving loan, and credit enhancement authority with participating local banks, standardizing protocols for underwriting, contracting, and measuring new infrastructure investments, assisting in the coordination and delivery of state energy, including commercial property assessed clean energy, and infrastructure project delivery programs;

(b) processes necessary to apply for grants or receive gifts; and

(c) processes necessary to meet requirements of funding sources to enable the leveraging of funds from those sources.

NEW SECTION. Section 3. Montana energy and infrastructure fund -- advisory commission. (1)

There is a Montana energy and infrastructure fund advisory commission.

(2) The commission consists of nine members, who must be appointed as follows:

(a) three senators, two from the majority party and one from the minority party, appointed by the senate president;

(b) three representatives, two from the majority party and one from the minority party, appointed by the speaker of the house; and

(c) three members, appointed by the governor.

(3) The commission shall review recommendations for funding projects and provide recommendations to the executive branch on which projects should be funded.

(4) Appointed members of the commission shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty or service as a commission member.

1 (5) The department of commerce shall staff the commission.

2 (6) Funding for the commission is allocated from the administrative costs allowed in [section 4].

3 (7) The commission shall set its future meeting dates.

4 (8) The commission shall elect a chair from the legislative branch and a vice chair from the
5 executive branch.

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7 **NEW SECTION. Section 4. Montana energy and infrastructure account.** (1) There is a Montana
8 energy and infrastructure account.

9 (2) All money in the account is allocated to the department of commerce to be used solely for the
10 purposes of [sections 1 through 4]. Interest earned on funds in the account must be deposited in the account.

11 (3) The funds allocated under this section may not be transferred or expended for any purpose
12 other than to provide funding for projects authorized pursuant to [sections 1 through 4] or for the administration
13 of the Montana energy and infrastructure fund advisory commission.

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15 **NEW SECTION. Section 5. Appropriation.** For the biennium beginning July 1, 2023, there is
16 appropriated \$150,000 from the general fund to the department of commerce for the implementation of
17 [sections 1 through 4].

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19 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be
20 codified as an integral part of Title 90, and the provisions of Title 90 apply to [sections 1 through 4].

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22 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2023.

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